

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DR MANAGEMENT, LLC, et al.,

No. C 05-1010 MMC

Plaintiffs,

**ORDER DENYING APPEAL OF
MAGISTRATE JUDGE'S ORDER
REGARDING DEPOSITION OF
WILLIAM GODDARD**

v.

UNITED STATES OF AMERICA, et al.,

Defendants

Before the Court is defendant United States' "Appeal of Magistrate Judge Maria Elena James' Order Regarding Deposition of William Goddard [Doc. # 63]," filed November 2, 2007. Having fully considered the matter, the Court hereby DENIES the objection, for the reason defendant has failed to show the subject order is clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A) (providing district court may reconsider magistrate's order where it has been shown to be clearly erroneous or contrary to law).¹

IT IS SO ORDERED.

Dated: November 7, 2007


MAXINE M. CHESNEY
United States District Judge

¹This order is without prejudice to defendant's moving to exclude the deposition testimony of William Goddard if, as a result of time limitations, any refusal by the witness to answer relevant questions posed by defendant, or otherwise, defendant can establish it was deprived of an adequate opportunity to cross-examine Goodard. See, e.g., Fed. R. Evid. 804(b)(1) (providing deposition testimony of unavailable witness may be offered against party if party "had an opportunity" to cross-examine witness at deposition).